To: Emory Order of the Coif Chapter Members  
From: Kay Levine, President and Sarah Shalf, Secretary  
Date: January 28, 2019  
Re: Amendments to Voting on New Coif Members

In light of questions raised in last year’s vote regarding electing members to each new class of Order of the Coif, we have drafted proposed guidance on two topics: (1) the standard to apply when electing new members who have done part of their coursework at an institution other than Emory, and (2) the procedure for taking into account moral conduct issues when considering whether to elect a student into our Chapter. We have also included language for the Registrar to use, and for the student handbook to include, to make clear that any provisional Coif members are subject to the vote of the Chapter concerning both final grade status and honorable behavior.

I. Current Language

A. The Order of the Coif Constitution (relevant language):

SECTION 5.1. Eligibility of Law Students.

a) For each academic year, measured from July 1 to June 30, or any other twelve-month period designated by a member school, a Chapter may elect to membership in The Order any graduating senior (1) who has completed at least 75 percent of his or her law studies in graded courses and (2) whose grade record ranks in the top 10 percent of all the graduating seniors of the school. "Graded courses" are those for which academic accomplishment is recorded on the basis of educational measurement involving four or more discriminators.

b) A Chapter need not elect the maximum eligible under subsection (a). The criterion should be the election of those eligible who, in the opinion of the voting members of the Chapter, are deemed truly worthy of the honor. Accordingly, in addition to scholastic standing, a Chapter may take into consideration law school activities contributing measurably to the total legal education of the candidate. The Chapter may set forth rules listing additional factors, or may make selections on an individualized basis. A Chapter may decline to elect an eligible student whose character is unfitting for membership in The Order.

B. ELS Student Handbook (relevant language):

Election to the Order of the Coif is reserved for students graduating in the top 10% of their class who have compiled outstanding academic records. Election is made by the Emory Chapter of the Order, which consists exclusively of faculty members.

It is within the discretion of the chapter to elect honorary members and to elect or refuse to elect members.

Emory students transient elsewhere are eligible for election to the Order of the Coif if (i) their average for work done at Emory was 3.450 or above and places them in the top 10%
of their class and (ii) their average grade for work done while on transient status was at least a B or an equivalent numerical grade.

II. Proposed Language for Coif Section of Student Handbook; Chapter documents:

Effective as of the class of 2021: Election to the Order of the Coif is reserved for JD students who have graduated in the top 10% of their class and who are elected to the Order by the Emory Chapter, which consists exclusively of full-time Emory Law faculty members.

- Students are eligible for election only if they have completed 75% of their coursework for the Juris Doctor degree in graded courses. “Graded coursework” includes courses taken for a grade at Emory, or taken for a grade at another ABA-accredited law school and reported as a pass on the Emory transcript, for which the credit was used to satisfy the Emory Juris Doctor degree requirements. It does not include courses taken pass/fail at Emory or elsewhere, and it does not include courses taken at non-ABA-accredited law schools.

- Emory students who come to us as transfer students, or who visit elsewhere as Emory students, are subject to the same eligibility rules as Emory students who begin their law school careers at Emory: they must complete 75% of their coursework in graded courses, and their grades must place them in the top 10% of their graduating class.

- Order of the Coif is an honor society, and each new member must be truly worthy of the honor. For that reason, it is within the discretion of the chapter to refuse membership to a student in the top 10% of the graduating class whom the Chapter determines is unfit for membership, based on the Chapter’s assessment of his or her character and behavior while at Emory. The determination of unfitness may include, but is not limited to, consideration of whether there were Professional Conduct Court proceedings brought by faculty, students, or staff against the student resulting in a finding of responsibility or admission of guilt (adjudicated or negotiated resolution), or whether a summary sanction was issued against the student for a Conduct Code issue.
III. Internal procedures to govern the identification of potential members and the voting process (but will not be included in the handbook):

The procedure for voting on new Coif members is as follows:

1. The Registrar will provide a provisional list of all students who are within the top 10% of the graduating JD class to the Assistant Dean for Academic Engagement and to the President and Secretary of the Chapter.

2. The Assistant Dean for Academic Engagement will review the provisional list and meet with Chapter leadership to provide information about any student on the provisional list who was the subject of disciplinary action, as defined above. That information will be limited to: (1) nature of the offense charged, (2) the identity of the reporting faculty member, student(s), or staff member, if any, (3) final disposition, including whether it was a summary sanction, negotiated resolution, or adjudication, and (4) the sanction imposed.

3. Chapter leadership may follow up with reporting faculty or staff prior to the Chapter meeting to solicit their views on the student’s offense and general character.

4. At the first Chapter meeting, the President or Secretary will distribute the provisional list of students in the top 10% to all Chapter members, following the same timelines and procedures as for faculty meeting votes. That list will include students’ names but will not include their final GPAs. The Chapter leadership will share the information gathered regarding those students on the provisional list who were the subject of disciplinary action for the Chapter’s consideration in voting.

5. Faculty will be invited to review the provisional list themselves for a period of 2-3 weeks (the period between the first and second Chapter meeting.) The purpose of this review period is to give faculty the opportunity to identify character issues not previously identified by the Assistant Dean for Academic Engagement that might raise a concern about fitness for membership. Faculty who have such issues must notify the President or the Secretary of the chapter in advance of the second Chapter meeting, to provide background information on the character issues raised.

6. At the second Chapter meeting, faculty who have identified character issues may bring those issues forward for discussion by the Chapter members. Following discussion, the Chapter will vote on electing members of the provisional list to Order of the Coif.

7. Once the final membership list has been voted on by the faculty, the Chapter leadership provides the final list to the Registrar to notify the students and mail certificates. The Chapter leadership will also notify the Assistant Dean for Academic Engagement, if necessary.

IV. Noting Provisional Status in Communications with Students

When notification or designation of provisional Coif status is made prior to a student’s election to the Order of the Coif, the following caveat should accompany the notice or designation in all communications:

“Provisional Coif status is based on current class rank only. Eligibility for final Coif membership is determined by the student’s final class rank, as well as a vote of the faculty that the student is ‘truly worthy of the honor.’”
Appendix

The sections of the Professional Conduct Code dealing with disciplinary action are at this link, starting at Section 6:

http://law.emory.edu/_includes/documents/sections/academics/2014-professional-conduct-code.pdf